

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID GLENN MORTON,

Plaintiff,

CASE NO. 1:16-cv-00295

v.

HON. ROBERT J. JONKER

COUNTRYWIDE HOME LOANS, INC., et al.,

Defendant.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Carmody's Report and Recommendation in this matter (ECF No. 7) and Plaintiff Morton's objection to the Report and Recommendation (entitled "Demand for Summary Judgment") (ECF No. 8). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Plaintiff's objections. After its review, the Court finds that Magistrate Judge Carmody's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends dismissing Plaintiff's complaint for lack of serving summonses and complaint on defendants. In his objection entitled "Demand for Summary Judgment," Mr. Morton fails to address his failure to serve defendants in this case. The Report and Recommendation carefully, thoroughly, and accurately addresses Plaintiff's lack of service. Nothing in Plaintiff's objection changes the fundamental analysis. The Court agrees with the Magistrate Judge's conclusion that Plaintiff's claims should be dismissed, for the very reasons the Report and Recommendation delineates.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 7) is approved and adopted as the opinion of the Court.

This case is **DISMISSED** without prejudice.

Dated: September 20, 2016

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE